

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

LIFE MEDICAL TECH., INC.,

Plaintiff

v.

ZIGMED, INC., et al.,

Defendants.

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Civil Action No. 10-1969(FSH)

ORDER AND

REPORT AND RECOMMENDATION

This matter having come before the Court on its review of the docket;

and the Court having entered an Order that notified the plaintiff that the motion of its counsel to withdraw would be granted unless the motion itself were withdrawn or plaintiff had substitute counsel enter an appearance on its behalf, ECF No. 51;

and the plaintiff having been notified that as a corporation it was required to have an attorney licensed to practice law before this Court to represent it and that the failure to have counsel represent it would bar it from proceeding with its Complaint, see Simbrow Inc. v. United States of America, 367 F.2d 373 (3d Cir. 1966); see also United States ex rel. Cherry Hill Convalescence Ctr. v. Healthcare Rehab Sys., Inc., 994 F. Supp 244, 253 (D.N.J. 1997); Briehler v. American Continental Properties of New Jersey, Inc., Civ. No. 89-4761, 1990 WL 33144, at *4 n. 1 (D.N.J. March 20, 1990);

and the Court being notified that the motion will not be withdrawn, ECF No. 52;

and the Court having already made findings that the predicates for withdrawal have been satisfied, Transcript of Proceedings, dated September 6, 2012;

and the docket showing that plaintiff has not had substitute counsel enter an appearance on its behalf;

and rather than issuing an order to show cause why the Complaint should not be dismissed, the Undersigned recommending to the United States District Judge to dismiss the Complaint for failure to have counsel who can pursue the Complaint;

IT IS THEREFORE ON THIS 8th day of October, 2012

ORDERED that the motion to withdraw [ECF No. 47] is granted;

IT IS RECOMMENDED that the United States District Judge dismiss the Complaint due to plaintiff's failure to have counsel enter an appearance to represent it in this case. The plaintiff is notified that failure to file written objections to this finding and recommendation within fourteen days of receipt of same may bar de novo determination by the United States District Judge of an issue covered herein and shall bar appellate review of such factual findings or rulings that may be accepted or adopted by the United States District Judge; and

IT IS FURTHER ORDERED that the plaintiff's counsel shall serve a copy of this Order upon the plaintiff by regular mail, overnight mail/return receipt, fax, and email, and file a certificate of service with the Court.

s/Patty Shwartz
UNITED STATES MAGISTRATE JUDGE